

TITLE 11 DEPARTMENT OF HEALTH

CHAPTER 11

SANITATION

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Historical Note: Chapter 11 of Title 11, Administrative Rules, is based substantially on the former Public Health Regulations Chapter 1, Sanitation, Department of Health, State of Hawaii. [Eff. 11/1/37, am 2/1/45, am and ren 9/17/51, am 4/20/53, am 4/16/54, am 8/1/60, am 7/27/61, am 4/1/64, am 7/1/64, am 1/16/71, am 2/2/73, am 9/12/75, am 2/3/79; R DEC 26 1981]

§11-11-1 Purpose.

The purpose of this chapter is to provide minimum standards of sanitation so that public health and human welfare will be protected, and safety hazards will be minimized. [Eff. DEC 26 1981] (Auth: HRS §§321-10, 321-11) (Imp: HRS §§321-1, 321-11)

§11-11-2 Definitions.

As used in this chapter: "Building" means any structure enclosed by a roof and walls serving for the occupancy of persons, animals, or chattels.

"Director" means the director of health of the State department of health or his duly authorized agent.

"Eradication" means the elimination or extermination of rodents or other public health vectors by measures, including poisoning, trapping, and fumigation.

"Foodstuff" means articles used or intended to be used for food or drink for or by man or animals.

"Garbage" means all discarded wastes resulting from the growing, handling, storage, preparation, cooking, and consumption of food.

"Harborage" means any condition or place which may provide shelter, food, or protection for public health vectors, and favoring their multiplication or continued existence.

"Home laundry" means a laundry operated for profit where not more than two persons are engaged in its operation, including the proprietor of such laundry.

"Massage" means any method of treatment or therapy of the superficial soft parts of the body, consisting of rubbing, stroking, tapping, pressing, shaking, or kneading with the hands, feet or elbow, and whether or not aided by any mechanical or electrical apparatus, appliances, or supplementary aids such as rubbing alcohol, liniments, antiseptic, oils, powder, cream, lotions, ointments, or other similar preparations commonly used in this practice.

"Massage establishment" means premises occupied and used for the purpose of practicing massage; provided that when any massage establishment is situated in any building used for residential or sleeping purposes, the massage establishment premises shall be set apart and shall not be used for any other purpose.

"Natural bathing places" mean streams, rivers, ponds, lakes, reservoirs, and tidal waters. Swimming pools, as classified in the Administrative Rules 11-13, Public Swimming Pools, are not included.

"Nuisances" include, but are not limited to water in which mosquitoes breed or may breed, sources of filth, conditions under which the causative agents of sickness or disease may exist, or any other condition which may have an adverse effect on public health, which exist or occur within the State, or on board of any vessel within the jurisdiction of the State.

"Opening" means any aperture through which rodents or roaches may enter a building.

"Public laundry" means any place where laundering, cleaning, or dyeing is done for fee or hire. Commercial laundramats are not included in this category.

"Public natural bathing place" refers to a natural bathing place made available by any person, firm, corporation, or organization of any kind, county, municipal or State department, to the public for swimming, bathing, or recreational purposes whether gratis or for fee or otherwise.

"Ratproofed" means constructed so as to prevent the entrance of rodents into buildings from the exterior or from one establishment to another. Such construction consists of closure with material impervious to rodents' gnawing and covers all actual or potential openings in exterior, ground, or first floors, basements, roofs, and foundation that may be reached by rodents from the ground, or by climbing or burrowing.

"Refuse" means the decomposable organic materials, rubbish or trash, or a mixture of any of these items.

"Rubbish" means waste, broken or rejected matter, and all loose materials, not including garbage, whether combustible or noncombustible.

"Sanitize" means the treatment of a clean surface for the destruction of micro-organisms including pathogens.

"Shop" means all barber shops, hair-dressing or hair styling establishments, manicuring parlors and beauty parlors, and the term shall include all premises or portions thereof where the business of shaving, clipping, cutting, trimming, singeing, shampooing, massaging, manicuring, dressing, adorning, or beautifying the human hair, face, scalp, or hands is conducted for fee, charge, or hire.

"State" means the State of Hawaii.

"Vector" means an organism, usually an insect or other arthropod, rodent or other animal, capable of transmitting the causative agents of human disease or affecting public health and well being.

"Ventilation" means the production and maintenance by natural or mechanical means of atmospheric conditions favorable to health and comfort. [Eff. Dec. 26, 1981] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-11-3 Barber shops and beauty parlors.

(a) General sanitation requirements.

- (1) No person shall operate a shop in connection with any other business or dwelling unless there is a partition from the floor to the ceiling, separating the shop from such other business or dwelling. Nothing here shall prohibit the sale of tobacco, newspapers, or shoe shining in shops.
- (2) No shop shall be used as a living, cooking, or sleeping facility, nor shall any such facility adjoining a shop have a direct opening into such shop.
- (3) Articles of food shall not be sold, kept for sale, or stored in any shop, and shops shall be separated by a tight partition or separate entry from any place where articles of food are sold, kept for sale, or stored.
- (4) The walls, floors, ceilings, furniture and fixtures, and all other parts and surfaces of every shop shall be kept clean at all times.
- (5) Every shop shall be kept in good repair, and shall be properly and adequately lighted and ventilated. Shops utilizing mechanical ventilation shall not be connected to a centralized air conditioning system.
- (6) Every shop shall be provided with adequate sanitary facilities, including toilets, hot and cold running water, and sinks or wash basins. Plumbing shall comply with the applicable county plumbing code. Toilets shall be located in suitably and properly ventilated toilet rooms with self-closing doors.

(b) Sanitary practice requirements.

- (1) No operator shall use in any shop any astringent in lump or styptic pencil form, sponge, lump alum, powder puff, neck duster, shaving brush, or shaving mug on a customer.
- (2) No operator shall stop the flow of blood by using alum or other material unless applied in liquid form or in powdered form applied with a clean towel.

(3) No operator shall use razors, shears, scissors, clippers, tweezers, finger bowls, or combs, or any like article on any customer unless the item has been thoroughly cleaned and sanitized since last used.

(4) All such instruments, included in paragraph 3 above, and those used in massaging, shall be thoroughly cleaned and sanitized by a method approved by the director. After sanitization, instruments shall be stored in a manner to prevent contamination, or be sanitized again immediately before re-use. All sanitizing agents shall be approved by the director. (5) No operator shall remove or attempt to remove any wart, mole, pimple, ingrown hair, or undertake any like treatment unless properly trained in medical science. Cleaning of ears is prohibited.

(6) Every operator shall wash his or her hands thoroughly with soap and hot water and dry his or her hands with sanitary towels or approved hand drying devices immediately before attending any person, and shall wear at all times a clean uniform or outer coat or apron.

(7) Towels or other fabrics that come in contact with the skin or hair of a customer shall not be used on more than one customer without being laundered in an acceptable manner and either subjected to a sanitizing process which will hold such laundry for at least twenty minutes at a temperature of at least one hundred eighty degrees Fahrenheit or sanitized by other methods approved by the director before again being used on a customer.

(8) Prior to serving any customer, the headrest of any chair to be used by said customer shall be covered with a clean towel or a clean sheet of paper.

(9) All towels and other linens used in any shop shall be kept in a closed cabinet at all times when not in use.

(10) All creams, tonics, cosmetics, and other applications used for customers shall be kept in clean closed containers.

(11) A clean strip of cotton, towel, or paper band shall be placed around the neck of each customer served, so that at no time will hair, cloth, or cape come in contact with the neck or skin on the patron.

(12) No person shall commit any unsanitary practice or act in a shop sink or wash basin, such as brushing teeth, expectorating, gargling, or washing diapers.

(c) Contagious and infectious diseases.

(1) Operators afflicted with a contagious or infectious disease in a communicable form shall not attend any person in any shop, nor shall any person afflicted with such disease in communicable form receive any treatment in any such establishment.

(2) Any operator afflicted with any such disease shall return to work in a shop only upon a written statement from a physician that it is safe for him to return to work.

(d) Practice outside of shop. No person shall practice barbering for fee in any place other than a shop, except that he may practice on sick or infirm persons, who are not afflicted with a contagious or infectious disease, in hospitals or in the

private homes of such persons, or in hotel rooms. [Eff. Dec. 26, 1981] (Auth: HRS §§321-10, 321-11, 321-12) (Imp: HRS §§321-11, 321-12)

§11-11-4 Massage establishment.

(a) General sanitation requirements.

- (1) No person shall operate a massage establishment in connection with any other business or dwelling unless there is a solid partition from the floor to the ceiling separating the parlor from such other business or dwelling.
- (2) No massage establishment shall be used as, or in connection with, a living, cooking, or sleeping facility.
- (3) Every massage establishment shall be kept in good repair, be properly ventilated and lighted and shall be kept clean at all times.
- (4) Articles of food shall not be sold, or stored in any massage establishment.
- (5) Each massage establishment shall be provided with conveniently located hand washing facilities with a mixing valve or combination faucet to dispense hot, cold, or tempered running water, hand cleansing soap and approved sanitary towels or other hand drying devices. In all new establishments, and in existing establishments which are extensively altered, an approved hand basin shall be located in the operation area. Conveniently located toilet facilities shall be provided within 200 feet of any massage establishment.

(b) Personnel.

- (1) Operators afflicted with a contagious or Infectious disease in a communicable form shall not attend any customer, and shall be allowed to return to work only upon written permission from a physician.
- (2) All operators shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to good hygienic practices while on duty. Hands shall be thoroughly washed before and after attending each customer.

(c) Equipment.

- (1) Towels, other fabrics, and all instruments that come in contact with the skin or hair of the customer shall be thoroughly cleaned and sanitized after use on a customer. All sanitizing agents shall be approved by the director.
- (2) All towels and instruments shall be stored properly.

(d) Practice outside of shop. No person shall practice massaging for fee in any place other than a shop, except that he may practice on sick or infirm persons, who are not afflicted with a contagious or infectious disease, in hospitals or in the private homes of such persons, or in hotel rooms. [Eff. Dec. 26, 1981] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-11-5 Public laundries.

(a) Requirements.

- (1) No public laundry shall be established, erected, maintained, used, or operated except upon a certificate of the department of health issued pursuant to §§322-42, 445-81, or 445-192, HRS.
- (2) The floor of every building used as a public laundry shall be constructed of impervious material sloped to a properly-plumbed trap and connected to a sewage disposal system approved by the director.
- (3) All public laundries shall be equipped with facilities for sanitizing laundry.
- (4) No public laundry shall be used as a living, cooking, food storage, or sleeping apartment, nor shall any room adjoining a public laundry be used for such purposes unless separated by a tight partition having no direct opening into such laundry.
- (5) The walls, floors, ceilings, equipment, fixtures, and all other parts and apparatus shall be kept clean and in good repair.
- (6) Every public laundry shall have adequate sanitary facilities including toilets and handwashing facilities. Plumbing shall conform to the requirements of the county plumbing code.
- (7) No person shall sell any clothing, or other article or thing which has been used by, or come in contact with, any person suffering from any contagious, infectious, or communicable disease, unless the article has been sanitized pursuant to §325-7, HRS, or by any other method approved by the director. [Eff. Dec. 26, 1981] (Auth: HRS §§321-10, 321-11, 322-42, 445-81, 445-192) (Imp: HRS §321-11)

§11-11-6 Livestock, poultry, and stables.

(a) Animal manure, refuse, etc.

- (1) Every person in custody or control of any kennel, stall, stable, or place in which the manure of dogs, horses, cattle, swine, or any other animal manure, stable refuse, or any liquid discharge of such animals accumulates or originates, shall cause such manure, stable refuse or liquid, to be promptly removed therefrom as often as necessary, and shall keep, or cause to be kept, such stables, stalls, or places, and the drains, yards, and appurtenances thereof, clean and sanitary. All such liquid and solid waste discharges shall be disposed of in a sanitary manner.
- (2) No stable manure or refuse or both, while awaiting removal, shall be held for longer than twenty-four hours unless it is kept in a dung pit, refuse bin, or like storage container that is both fly-proof and rodent-proof and so constructed that objectionable odors will not emanate.

(3) No stable manure, animal or vegetable refuse, night soil, or garbage of any nature, which is dangerous to the public health, shall be used for grading or filling any lot, parcel or Other tract of land except for sanitary fills approved by the director.

(b) Animal enclosures; construction, location, and maintenance.

(1) All poultry houses, yards, pigeon lofts, rabbit hutches, dog kennels, pens, or enclosures for any animal shall be kept clean and free from accumulation of excreta, decayed food, and filth of every kind. The enclosures shall be kept free of rodents, fleas, lice, and other insect pests and maintained in a clean and sanitary condition. Enclosures shall be constructed as to exclude rodents and prevent the harboring of rodents. All food products, goods, wares, or merchandise on the premises which are liable, in the opinion of the director to attract or become infested with rodents, whether kept for sale or for any other purpose, shall be protected as to prevent rodents from gaining access.

(2) Floors, assorting boards, feeding troughs, gutters, and leaders shall be of material impervious to moisture so laid and graded that they may be properly flushed with water.

(3) False floors or loose boards shall not be used unless laid flush on impervious material and capable of being easily removed.

(4) Feed shall be stored only in rodent-proof boxes, bins, or rooms.

(5) Mangers shall be of single wall construction at least eighteen inches deep, and in areas where in the opinion of the director there is danger of the existence of plague or typhus, shall be kept free from food except when the animal is feeding.

(6) Lofts and coops housing pigeons raised for domestic use or for commercial purposes shall comply with all spacing and zoning requirements, and county codes and ordinances. All enclosures shall be maintained in a clean and sanitary condition and kept in good repair

(c) Disposal of dead animals. Animal carcasses and organs affected with diseases transmissible or possibly transmissible to man or animals, and carcasses of animals that die before slaughter, shall be destroyed and not used for feeding of any animal. [Eff. Dec. 26, 1991] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-11-7 Garbage and swill.

(a) On premises; removal of :

(1) No person shall have on his premises any offal, swill, garbage, decayed meat, fish, animal or vegetable matter, whether solid or liquid except as herein provided.

(2) The person, firm, or Corporation occupying any premises upon which garbage and rubbish containing food wastes are created shall place all such garbage and rubbish containing food wastes in a water-tight receptacle of metal or other impervious material. Receptacles Shall be kept closed by a tight-fitting cover, except while being filled or emptied. The casting aside or

throwing about of unconsumed food, rubbish Containing food wastes or of any garbage anywhere in the State is prohibited.

(b) Transportation of.

(1) No person shall transport on any street any offal, swill, garbage, decayed meat, fish, animal or vegetable matter, whether solid or liquid, unless the same shall be in water-tight containers with tight-fitting covers. The operator of every vehicle or vessel used to transport other types of offensive refuse in bulk form shall cover said refuse.

(2) Vehicles used for conveying offal; swill, or other offensive substances, shall not be used or the transportation or conveyance of any meat, fish, vegetable, or other foodstuffs which are to be sold for human consumption.

(c) Boiling or other treatment. All garbage, offal, and swill, regardless of previous processing, shall, before being fed to any swine, be thoroughly boiled for at least thirty minutes and then cooled slowly so that every part shall have been at the boiling point of water for at least thirty minutes, unless treated in a manner which shall be approved in writing by the director as being as effective as such boiling and cooling in protecting the public health. [Eff. Dec. 26, 1981] (Auth: HRS §§321-10, 321-11) (Imp: HRS §§321-11, 322-1)

§11-11-8 Vegetables.

(a) Fertilizer. It shall be unlawful to use human body discharges, whether in liquid or solid form, as a fertilizer for plants raised for human consumption.

(1) Sludge from sewage treatment or waste waters from recycling plants shall not be used for fertilizing vegetables.

(b) Washing. Vegetables offered or intended for sale for human consumption shall be washed only in water from an approved public water system.

(c) Vegetables, raw. It shall be unlawful to offer for sale or to sell for human consumption water-cress, lettuce, and other vegetables ordinarily eaten raw which are grown in areas subjected to contamination from water used in irrigation or from animals. [Eff. Dec. 26, 1981] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-11-9 Minimum sanitary facilities.

(a) Type and number required.

(1) For auditoriums, churches, theaters, amusement places, and buildings of public assembly. Sanitary facilities shall be provided as shown in Table I.

(2) For schools, sanitary facilities shall be provided as shown in Table II.

(3) For dormitories, sanitary facilities shall be provided as shown in Table III.

Table I

Auditoriums, Churches, Theaters, Amusement Places, et. al

Water-Closets			Urinals		Lavatories	
Total No. of Persons			Total No. of Persons		Total No. of Persons	
Male	Female		Male			No. of Fixtures per Wash Room
1-100	1.00	1.00	1-200	1.00	1-200	1.00
101-200	2.00	2.00	201-750	2.00	201-400	2.00
201-400	3.00	3.00			401-750	3.00
401-750	3.00	4.00				
Over 750	One for each additional 500 persons	One for each additional 500 persons	Over 750	One for each additional 500 persons	Over 750	One for each additional 500 persons

Table II

Schools

Water-Closets		Urinals		Lavatories		No. of Fixtures
No. of Each Sex	Male	Female	Total No. of Persons	Male	Total No. of Persons	per Wash Room
1-15	1.00	1.00	1-30	1.00	1-30	1.00
16-30	1.00	2.00	31-80	2.00	31-80	2.00
31-55	2.00	3.00	81-110	3.00	81-150	3.00
56-80	3.00	4.00	111-190	4.00	151-240	4.00
81-110	4.00	5.00	191-300	6.00	241-300	5.00
111-150	6.00	7.00				
151-190	7.00	8.00				
191-240	8.00	10.00				
241-300	9.00	12.00				
Over 300	One for each	One for each	Over 300	One for each	Over 300	One for each
	30 additional	30 additional		50 additional		50 additional

persons	persons	persons	persons
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TABLE III

Dormitories

Water-Closets			Urinals		Lavatories		
No. of			Total No.		No. of		
Each Sex	Male	Female	of Persons	Male	Each Sex	Male	Female
1-15	1.00	1.00	1-30	1.00	1-15	1.00	2.00
16-30	2.00	2.00	31-50	2.00	16-30	2.00	3.00
31-50	3.00	4.00	51-100	3.00	31-50	3.00	4.00
51-75	4.00	6.00	101-150	4.00	51-75	4.00	6.00
76-100	6.00	8.00			76-100	6.00	8.00
101-150	8.00	10.00			101-150	8.00	10.00
Over 150	One for each 25 additional	One for each 20 additional	Over 150	One for each 50 additional	Over 150	One for each 20 additional	One for each 15 additional

persons	persons	persons	persons
Bathrooms		Laundry Tubs	
Total No. of Persons	Tubs	Total No. of Persons	Tubs
1-15	1.00	1-30	1.00
16-30	1.00	31-75	2.00
31-45	2.00	76-125	3.00
46-60	2.00	126-200	4.00
61-100	3.00		
101-150	4.00		
Over 150	One for each 50 additional persons	Over 200	One for each 50 additional persons

(b) Toilet rooms.

- (1) The respective toilet rooms and entrances for the two sexes shall be separate in all cases.
- (2) Toilet facilities shall be provided so as to be readily accessible. Toilet facilities so located that employees must use more than one floor-to-floor flight of stairs to or from them are not considered as readily accessible. Toilet facilities shall be located within two hundred feet of all locations at which workers are regularly employed. Separate water-closets and lavatories shall be

provided for each sex. The requirements listed under the following table do not include the provision for public use.

Table IV

Restaurants, Markets, Milk Plants, and Related Establishments

No. of Persons	No. of Water-Closets	No. of Persons	No. of Lavatories
1-15	1.00	1-15	1.00
16-35	2.00	16-35	2.00
36-55	3.00	36-60	3.00
56-80	4.00	61-90	4.00
81-110	5.00	91-125	5.00
111-150	6.00		
Over 150	One for each 40	Over 125	One for each 40
	additional persons		additional persons

Where ten or more are employed, urinals may be provided. One water-closet less than the number specified in Table IV may be provided for each urinal installed except that the number of water-closets in such cases may not be reduced to less than two-thirds of the number specified in Table IV. Trough urinals are prohibited. In situations where there are nine or less people using the toilet facility, separate toilet rooms for each sex need not be provided. However, the toilet facility shall be provided with at least one water-closet and a lock from the inside. Where such single-occupancy rooms have more than one toilet facility, only one such facility in each toilet room shall be counted for purpose of the above table.

(4) Every toilet room or room containing a water-closet or urinal shall be properly ventilated by means of a window of which the net open area shall not be less than five percent of the gross floor

area or not less than three square feet, whichever is greater, opening directly to the external atmosphere. An approved system of mechanical ventilation may be used in lieu of openable windows.

(c) Toilet facilities for liquor dispensers.

(1) The respective toilet rooms and entrances for the two sexes shall be separate in all cases.

(2) Toilet facilities shall be provided so as to be readily accessible, within the establishment or immediately adjacent to the establishment.

(3) Separate water-closets and lavatories shall be provided for each sex.

(4) Every toilet room or room containing a water-closet or urinal shall be properly ventilated.

Table V

Liquor Dispensers

Water-Closets			Urinals		Lavatories	
					No. of Fixtures	
No. of			Total No.		Total No.	per Toilet
Each Sex	Male	Female	of Persons	Male	of Persons	Room
1-50	1	1	1-150	1.00	1-150	1
51-150	2	2	Over150	One for each 150 additional	151- 200	2
151-300	3	4		persons	201-400	3

Over 300 One for
 each 200
 additional
 persons

Over 400 One for
 each 400
 additional
 persons

(d) Natural ventilation. If natural ventilation alone is provided, windows, and other ventilation openings shall be located to provide effective ventilation. The minimum net open area for such openings shall be as follows:

Per Cent of Floor	
<u>Type of Space</u>	<u>Area Served</u>
Kitchens	12
Work rooms	10
Offices	8
Rest rooms	5
Lunchrooms	8
General store rooms	2

(e) Individual towels. Individual or single-service towels, or other hand-drying devices instead of common towels, shall be used in all sanitary facilities used by or available to the public.

(f) Drinking fountains. Drinking fountains provided for use in public or semi-public places shall conform to the following requirements:

(1) The jets shall be slanting.

(2) The orifices of the jets shall be protected in such a manner that they cannot be touched by lips or be contaminated by droppings from the mouth, or by splashings from basins beneath the orifices.

(3) The orifices must be above the rim of the bowl so that the openings will not be flooded if the drain from the bowl becomes clogged.

(4) The waste opening and discharge pipe shall be large enough to carry off water promptly.

(5) Fountains shall be maintained in a sanitary condition at all times. [Eff. Dec. 26, 1981] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-11-10 Cleanliness of buildings.

(a) It shall be the duty of each occupant to keep the portion of the building occupied by him, and over which he has control, in a sanitary condition at all times. It shall likewise be the duty of the owner of any building to keep clean the public halls, stairways, yards, plumbing, and other parts thereof used in common by its occupants.

(b) Before renting any rental unit, the owner thereof shall cause such unit to be cleaned and repaired and shall exterminate any insects, rodents, or similar pests. This does not refer to termites. [Eff. Dec. 26, 1981] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-11-11 Penalty.

Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or both, as provided in Section 321-18, HRS. Each and every violation of the provisions of this chapter shall constitute a separate offense. [Eff. Dec. 26, 1981] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-18)

§11-11-12 Severability.

Should any section, paragraph, sentence, clause, phrase, or application of this chapter be declared unconstitutional or invalid for any reason, the remainder or any other application of this chapter shall not be affected. [Eff. Dec. 26, 1981] (Auth: HRS §§321-9, 321-10, 321-11) (Imp: HRS §321-11)